

## CHAPTER 4

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### The Poll and the Count

The Group was divided into five teams of two that were deployed to various regions on Tuesday, 21 May. These five teams covered nine out of the ten districts of Lesotho; 28 constituencies out of a total of 80; and 124 polling stations out of a total of 2,471.

The teams observed both stages of the voting for these elections, namely the Advance Voting and Election Day.

#### Logistical Arrangements

The IEC was charged with identifying suitable venues throughout the country. Given the nature of the country, the existing infrastructure and the terrain the Group recognises that the IEC faced a formidable logistical task. Despite the best efforts of the IEC, we found that at many of the polling stations we visited one or more of the following shortcomings with respect to their physical conditions. Some polling stations were sited in tents or a single small room with the consequence that the space available was constrained. In addition to the voters, space was required at each polling station for seven IEC staff, the

**POLLING PLACES . . .** tented polling stations near Maseru. Polling stations were also located in schools, churches and community centres. Usually voters did not have to walk more than 5km



party agents who could number up to 16 or more and an official witness to say nothing of the furniture required including two secure polling booths. Shortcomings were also apparent in relation to lighting and heating, which particularly impacted on the count. It was not unusual for a team to find only one polling station on polling day with electricity even in the capital, Maseru. The standard issue was only one propane gas lamp, supplemented by candles. Furthermore many polling stations lacked heating.

#### Advance Voting

Advance Voting took place on Thursday, 23 May 2002. Those entitled to vote in this category included IEC officials, candidates and their agents, the police



**VOTING IN ADVANCE . . .**  
voters queuing on the advance voting day, 23 May 2002. The purpose was to enable election officials, candidates, agents, police and others to vote prior to their deployment for election day itself

officers designated to assist during elections, domestic observers, journalists, medical personnel and security personnel.

Advance voting was conducted in one centre in each constituency and we observed the poll in 28 constituencies in eight districts. Those registered ranged from a handful to a few hundred in each constituency. The polls were scheduled to open at 7 a.m. and to close at 5 p.m. However, some constituencies experienced delays in opening due to the non-availability of material and/or the absence of party agents.

The weather, a particularly cold day in some areas, impacted adversely on the conduct of the Advance Voting poll where delays occurred due to late opening with queues, sometimes very long, forming. We were told that the cold and a storm the preceding day had affected turnout. Additionally, the lack of familiarity with the new electoral process meant that the process was slow. For example, we witnessed some confusion in one constituency where the absence of a party from the ballot paper caused delays.

Following the Advance Voting, the ballot boxes were sealed and guarded at the constituency centre in the presence of the party agents and police until their transportation to a Designated Polling Station for intermixing with the votes cast on the main polling day, at that station. A specific concern raised was the possibility of multiple voting by Advance Voters. Indelible ink was used to mark a voter's index finger in order to prevent this. However, the Group considered that a uniform process of ensuring that all polling stations are provided with a list of the names of voters who cast their votes during Advance Voting, should be instituted for future elections.

## **Election Day**

Voting took place on Saturday, 25 May. Throughout the country there was hardly a cloud in the sky and large numbers assembled at polling stations from the early hours. When our teams arrived before 7 a.m. at polling stations in order to observe the opening of polls, we found long queues of Basotho waiting

**POLLING DAY . . .** Commonwealth Observer Group Chairperson Sir James Mitchell and party agents observe voting in Berea. The Observers found that “party agents attended the poll in significant numbers” and said that “their dedication to duty before, during and after the poll was admirable”



to vote, many of whom had been there for several hours. Most were wrapped in their traditional blankets for protection against the cold.

Queues formed patiently and were orderly and good humoured wherever we were present. We witnessed voters arriving on horseback and on foot across the mountainous terrain. Some had lamps to illuminate their way. Others carried food anticipating the long wait ahead. Some of our Group saw fires lit for heating and cooking.

We were impressed by the high level of participation of Basotho women in both the conduct of the poll and in exercising their democratic rights.

The polling stations themselves ranged from schools, churches and community centres to tents. The physical location of most polling stations was such that voters usually did not have to walk more than 5km. In many we visited, there were no direct communication links between the station and the Constituency Centre or Area Electoral Office. In the remoter regions of the country, we were told that access by the IEC was only possible by helicopter or on horseback.

In the great majority of constituencies where we observed, the voting was completed between the official hours of 7 a.m. till 5 p.m. Given that voters were using a new electoral system, overall, the process went well. The voters’

registers appeared to be in order, most voters presented the required voters cards, the secrecy of the ballot was upheld, the polling officials carried out their functions correctly and neither party agents nor voters voiced concerns to our teams. The process, itself, was slow especially at the beginning of polling. This was because a large number of voters were not familiar with the new system, each voter had to collect and cast the constituency vote prior to the party vote, and the polling officials themselves lacked experience. It appeared to take approximately five minutes for a voter to complete the entire process. One observer witnessed a voter taking over twenty minutes which appeared to be due to a low level of literacy.

**YOUNG CITIZENS . . .** first-time voters in Maseru. The Observers noted that “voters turned out in large numbers”





**WOMEN VOTERS . . .** The Commonwealth Observer Group Chairperson with women voters at a polling station on election day. The Observers were impressed by the “high level of participation of Basotho women in both the conduct of the poll and in exercising their democratic rights”

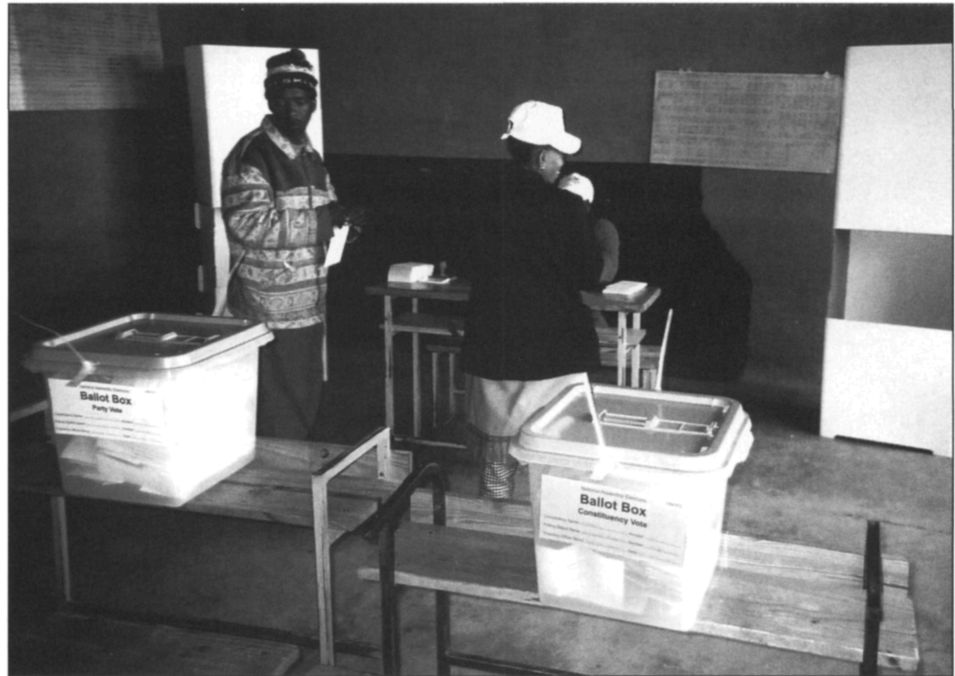
The police and/or police assistants were present at all polling stations that we observed, and were discreet in fulfilling their statutory responsibilities in relation to the election. We found no evidence of the deployment of the military at polling stations and the police were not armed.

At the opening of the poll at most stations we visited we found them to be well equipped and functioning smoothly. However, we observed certain administrative shortcomings in some polling stations. These mainly involved the non-availability and late delivery of the supplies of election material to the polling stations including official documentation, envelopes, cardboard polling booths, seals and stamps, gas lanterns and fuel. Normally, the Presiding Officer was only aware of these deficiencies on the morning of the poll, and due to poor communication links, in some cases it proved difficult to address these shortages. In other cases, this shortage of essential material led to the late opening of polling stations, while in yet other cases this led to improvisation.

The most serious problem we encountered was in Mabote constituency in Maseru district. Members of our Group visited one constituency in Maseru District at 8 a.m. on polling day to discover queues stretching across roads adjacent to the polling station for distances up to one-half a mile. This polling venue had multiple polling stations and had not opened. Neither voters nor party agents knew the reason for the late opening and Presiding Officers knew only that the ballot papers had not arrived. Upon further investigation we were advised by IEC headquarters that the BNP had raised further concerns over the integrity of the boxes containing the ballot papers and that a meeting to discuss the issue was being held at the Constituency Centre. We attended part of that meeting which, by 9 a.m., had not resolved the issue.

We maintained contact with the IEC office while continuing the visits to other polling stations. A little after 11.30 a.m. we received advice from the IEC that the issue had been resolved and that ballot papers were being distributed to the 40 polling venues within the constituency. At approximately 1 p.m., we visited another polling station in the constituency which had still not received its ballot papers. By that time, voters had left the stations and local radio stations were keeping the people informed as to the times at which polling would commence at the various polling stations.

**25 MAY 2002 . . .** sealed ballot boxes at a polling station. The Observers found that voting “was conducted in a manner that provided the people of Lesotho with the opportunity to vote freely for the candidate and party of their choice”



With the commencement of voting in the constituency delayed until after 3 p.m. the IEC, pursuant to its statutory powers, extended the voting period. Polling stations in the constituency remained open until 7 p.m. and reopened on Sunday from 7 a.m. until 12 noon. We observed this resumed voting on the second day and were informed that the ballot boxes had been guarded by police and party agents during the night. Resumed voting on the Sunday was quiet and peaceful.

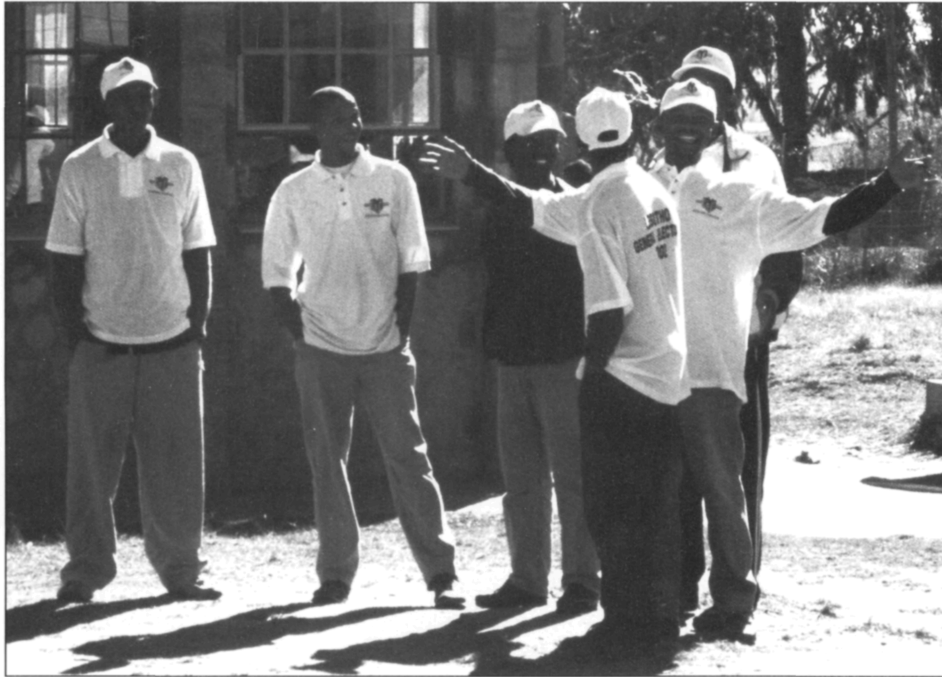
Up to the time of the closure of polls, despite these administrative shortcomings, we believed that the election was conducted in a manner that provided the people of Lesotho with the opportunity to vote freely for the candidate and party of their choice. We do not consider that the administrative and logistic problems experienced detracted from the overall organisation of the election so as to affect the true expression of the will of the people.

## **Close of Poll and Count**

At the polling stations at which we were present, polling closed as scheduled at 5 p.m. This was also the case, as far as we are aware, in the great majority of constituencies, except those where voting was extended until 12 noon on 26 May.

As set out in the polling station procedures manual, the Presiding Officer at each polling station had then to oversee the reconciliation of the votes; the count itself; and the arrangements for the dispatch of the results as well as the ballot papers and related material to the Constituency Returning Officer under police escort.

Difficulties were experienced by some polling staff in meeting the requirements set down in the procedures manual. These arose due to the complexity of the procedures to be followed, problems of interpretation of the manual, which had been published in English and had not been translated



**ALL DONE . . .** polling officials relax after the close of the poll. The Observers “witnessed clear evidence of the dedicated attempts of the polling staff to meticulously implement every point of the regulations of the procedures manual”

into Sesotho, and the absence of some of the relevant forms and envelopes. The overall situation was accentuated by the poor working conditions caused by the lack of heating and adequate lighting, in most cases.

Despite these difficulties, we witnessed clear evidence of the dedicated attempts of the polling staff to meticulously implement every point of the regulations of the procedures manual. While such an approach was laudable, in our judgement it protracted the counting process. For example, the requirement that the Counting Officer had to display each ballot paper to ‘all interested persons in the polling station’ often meant that the counting process was lengthy. As a result, polling officials, party agents and observers were stretched to the limits of endurance. In the event, no party agent raised any concern either to the polling officers or to our teams about the conduct of the count, the results announced by the presiding officer or the process as a whole.

In certain cases these conditions led to the count being postponed until the following morning. However, as far as we were aware, the integrity of the ballot was not compromised by this delay. Polling officials, police and party agents slept on site.

In a few constituencies, as provided by the electoral law, voting was extended to Sunday, 26 May because of delays in the opening of the poll. In these cases, we were informed that the security of the ballot was also maintained in a similar manner. In one constituency where we were present on the extended day of voting, we were able to confirm this for ourselves.

## **Communication and Announcement of Results**

The process of communicating the election results from the polling station to the Constituency Returning Officer and hence to the IEC nationally was significantly affected by the complexity of reporting requirements and factors relating to transport and telecommunications. The Presiding Officer or a Polling Officer was required to accompany the delivery of results to the

Returning Officer under police escort, which resulted in long delays where transport was not immediately available. As observers, we witnessed this problem when visiting a number of constituency centres in mountainous areas of the country on Sunday, 26 May, where Returning Officers were still awaiting the delivery of results from polling stations, which in some cases required the use of helicopters. Only when the results from all polling stations within a constituency were received by the Returning Officer was he/she able to announce the results.

Following the declaration of the results for a given constituency, the Returning Officer had to deliver these to the Area Electoral Officer, who in turn, had to forward these to the IEC centre in Maseru. This was the final stage of the three-prong approach to the announcement of election results. Here the IEC announced nationally both the constituency and party ballots for each constituency as they were received and once all results were received, the party vote for the country as a whole was tabulated and the PR seats allocated on the basis of the party vote according to the requisite formula set out in Schedule Five of the National Assembly Election (Number 1) (Amendment) Act 2001. This centre was established with the assistance of the electoral commissions of South Africa and Namibia and had available electronic facilities for processing and displaying results.

Political party leaders, members of the media, and observers were present at this centre to witness the announcement and display of results as the latter came in from each constituency. All activities of the Results Centre were covered live on Radio Lesotho while TV Lesotho covered these at regular intervals.

The continuation of voting until the morning of Sunday, 26 May meant that the first results from constituencies were announced nationally at the Convention Centre whilst voting was still being undertaken, which was a matter of concern to the Group.

Overall, our Group found that the Independent Electoral Commission carried out its responsibilities in conformity with good electoral practice and with integrity, transparency and inclusivity as well as being in full compliance with the electoral laws. We wish to place on record, in particular, the role played by the IEC staff at polling stations, many of whom were young women, whose commitment was evident for all to see.

Many of the concerns noted by the Group arose from the disparity between national resources and the requirements of the electoral process, rather than the electoral system as a whole. We believe that with some modifications to procedures, and with experience, future elections should not present the same difficulty.